

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABACUS GUARDIANSHIP, INC., Full  
Guardian of the Person and Estate of MELVIN  
F. DANIEL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:21-cv-00921-JLR

ORDER FOR RELEASE OF APS  
RECORDS

THIS MATTER came on before the undersigned Judge of the above-entitled court on the parties' motion for release of Adult Protective Services (APS) records concerning Robert William Crawford, West Seattle AFH, and Marathon Funding Services. The court having considered the motion, and having found discovery of the requested APS file, pursuant to RCW 74.34.095(3) to be: 1. Essential to the administration of justice and necessary for the parties to proceed in the above-referenced lawsuit and 2. That release of the information will not endanger the life or safety of the vulnerable adult or the individual making a report to the Department of Social and Health Services (DSHS) now, therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

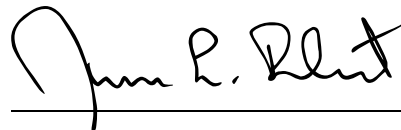
1. Adult Protective Services shall provide a copy of the entire APS file to Abacus Guardianship, Inc., within a reasonable time, *provided* that APS shall not be required to

1 release the identities of persons making reports and shall have the right to reserve other  
2 privileged or confidential information as it deems appropriate to protect the alleged  
3 incapacitated person. RCW 42.56.640. APS shall have the option of redacting identifying  
4 information of persons other than the protected person, who are named in the record, pending  
5 notification that release of the record has been ordered by a court or consented to by the  
6 named witnesses, residents, patients, clients, or complaints, pursuant to RCW 74.34.095 and  
7 RCW 43.190.110.

8 2. The APS documents released to the above-named parties shall be used only in  
9 the above-referenced proceeding. It shall be the responsibility of the requesting party, and not  
10 APS, to provide discovery to any other required parties.

11 3. The parties will destroy all medical records produced by APS containing  
12 protected health information and mental health treatment records at the conclusion of the  
13 above-referenced legal matter.

14 DONE IN OPEN COURT this 4th day of March, 2022.

15   
16

17 JAMES L. ROBART  
18 UNITED STATES DISTRICT JUDGE

19 Agreed to; Notice of Presentation Waived:  
20 **DES MOINES ELDER LAW**

21 By /s/ Ermin Ciric  
22 Ermin Ciric, WSBA No. 52611  
23 612 South 227<sup>th</sup> Street  
Des Moines, WA 98198  
Phone: (206) 212-0220  
E-mail: [ermin@rm-law.com](mailto:ermin@rm-law.com)

1  
2 Agreed to; Notice of Presentation Waived:  
3 **CONNELLY LAW OFFICES, PLLC**

4 By /s/ Micah R. LeBank  
5 Micah R. LeBank, WSBA No. 38047  
6 2301 North 30<sup>th</sup> Street  
7 Tacoma, WA 98403  
8 Phone: (253) 593-5100  
9 E-mail: mlebank@connelly-law.com

7 Agreed to; Notice of Presentation Waived:  
8 **NICHOLAS W. BROWN**  
9 United States Attorney

9 /s/ Whitney Passmore  
10 **WHITNEY PASSMORE, FL No. 91922**

11 /s/ Erin K. Hoar  
12 **ERIN K. HOAR, CA No. 311332**  
13 Assistant United States Attorneys  
14 United States Attorney's Office  
15 700 Stewart Street, Suite 5220  
16 Seattle, Washington 98101-1271  
17 Phone: 206-553-7970  
18 Fax: 206-553-4067  
19 Email: [whitney.passmore@usdoj.gov](mailto:whitney.passmore@usdoj.gov)  
20 Email: [erin.hoar@usdoj.gov](mailto:erin.hoar@usdoj.gov)  
21 Attorneys for Defendant

18 Agreed to; Notice of Presentation Waived:

20 COURTNEY LYON, WSBA No.  
21 Attorney for DSHS/APS